

### **Remarks**

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and following remarks.

With entry of this amendment, claims 1-8 and 10-49 remain pending.

### **Request for Interview**

If any issues remain in light of these remarks and amendments, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment and the following remarks so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

**This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.**

### **Patentability of claims 1-8 and 10-49 under § 101**

The action rejects Claims 1-8 and 10-49 under 35 U.S.C. § 101 as directed to non-statutory subject matter.

#### **Claims 1-8**

Claims 1-8 are directed to transform coders. However, the Action contends that "they merely manipulate an abstract idea (transform window sizes) and fail to yield a useful, tangible, concrete result." [Action, Page 2.]

Claim 1 has been amended to recite, in part, as follows:

A transform coder for audio signal processing comprising:

a transient detection component operating to process samples of an input signal to identify locations of transients in the input signal; [emphasis added.]

The examiner indicates that the "disclosed invention has a practical application in the technological arts" Action, Page 2, and that "claims directed to speech or audio signal processing would be considered to be statutory subject matter" [Action, Page 3.]. To more fully emphasize the statutory nature of the claims and to expedite prosecution, Claim 1 has now been amended to

recite “A transform coder for audio signal processing...” Such recitation gives a “claimed limitation to a practical application.” [Action, Page 2.]

Thus, at least for this reason, Applicants respectfully submit that Claim 1, as amended, is directed to statutory subject matter and request that the rejection under 35 U.S.C. § 101 be withdrawn. Claims 2-8 depend on Claim 1 and at least for that reason should also be in condition for allowance.

### Claims 10-49

Claims 10-49 are directed to computer implemented methods. “A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. § 101.” *Schrader*, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts. *See*, MPEP § 2106(IV)(B)(2)(b) quoting *Diamond v. Diehr*, 450 U.S. at 183-84 (1981).

The examiner indicates that the “disclosed invention has a practical application in the technological arts” Action, Page 2, and that “claims directed to speech or audio signal processing would be considered to be statutory subject matter” [Action, Page 3.]

To more fully emphasize the statutory nature of the claims and to expedite prosecution, Claim 10 has now been amended to recite, in part,

“In a transform coder, a method of adaptively selecting transform window size for signal processing...” (emphasis added).

To more fully emphasize the statutory nature of the claims and to expedite prosecution, Claims 11, 13, 14, 15, 19, and 27 have now been amended to recite, in part,

“In a transform coder, a method of adaptively selecting transform window size for audio signal processing...” (emphasis added).

To more fully emphasize the statutory nature of the claim and to expedite prosecution, Claim 34 has been amended to recite, in part,

“A program storage medium having a transform coding program executable on an audio processing device to perform a method of adaptively selecting transform window size for audio signal processing...” (emphasis added).

To more fully emphasize the statutory nature of the claim and to expedite prosecution, Claim 42 has been amended to recite, in part,

“A data carrying medium having a transform coded signal carried thereon for audio signal processing...” (Emphasis added). Such recitation gives a “claimed limitation to a practical application.” Action, Page 2.

Such recitations gives a “claimed limitation to a practical application.” [Action, Page 2.]

Thus, at least for this reason, Applicants respectfully submit that Claims 10, 11, 13, 14, 15, 19, 27, 34, and 42, as amended, are directed to statutory subject matter and request that the rejection under 35 U.S.C. § 101 be withdrawn. Claim 12 depends on allowable independent claim 11, claims 16-18 depend on allowable independent claim 15, claims 20-26 depend on allowable independent claim 19, claims 28-33 depend on allowable independent claim 27, claims 35-41 depend on allowable independent claim 34, and claims 43-49 depend on allowable independent claim 42 and at least for those reasons should also be in condition for allowance.

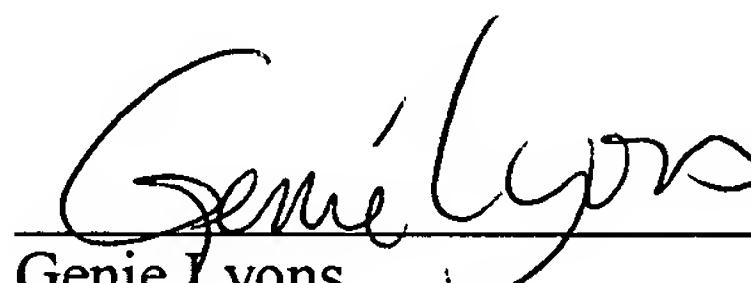
### Conclusion

The application should now be in condition for allowance. Such action is respectfully solicited.

Respectfully submitted,

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